

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Appeal No. 16041 of Luis E. Rumbaut, Assistant Corporation Counsel, D.C. on behalf of the D.C. Department of Public Works, pursuant to 11 DCMR 3105.1 and 3200.5, from the decision of Sharon T. Nelson, Senior Administrative Law Judge, Office of Adjudication, D.C. Department of Consumer and Regulatory Affairs made on November 21, 1994, dismissing proposed revocation for nonconforming use of certificate of occupancy for a trash transfer facility in a C-M-2 District at premises 2160 Queens Chapel Road, N.E. (Square 4259, Parcel 154/72).

**HEARING DATE:** May 17, 1995

**DECISION DATE:** May 17, 1995 (Bench Decision) and February 7, 1996

**DISPOSITION:** The Board **GRANTED** the application by a vote of 4-0 (Susan Morgan Hinton, Angel F. Clarens, Laura M. Richards and Craig Ellis to grant; William L. Ensign not present, not voting). On February 7, 1996 the Board **DENIED** the Motion for Reconsideration by a vote of 3-0 (Susan Morgan Hinton, Laura M. Richards and Angel F. Clarens to deny; Sheila Cross Reid not voting, not having heard the case). Further, the Board, on its own motion, **CLARIFIED** its **ORDER** by a vote of 3-0 (Laura M. Richards, Susan Morgan Hinton and Angel F. Clarens to clarify the order; Sheila Cross Reid not voting, not having heard the case).

**FINAL DATE OF ORDERS:** December 12, 1995 and March 31, 1997

**ORDER DISMISSING WITHDRAWAL OF MOTION FOR RECONSIDERATION**

The appeal in this case was granted by the Board by final order dated December 12, 1995. The appellee filed a motion for reconsideration which was denied by the Board at its public meeting of February 7, 1996. On February 22, 1996, the appellee, through his counsel, filed a request to withdraw the motion for reconsideration. The basis of the request was to pursue resolution of the matter in the District of Columbia Court of Appeals.

On March 1, 1996, the appellant, District of Columbia government, in essence, opposed the withdrawal and urged the Board to reconsider its order and to issue an amended order before the matter is reviewed by the D.C. Court of Appeals.

No other parties submitted responses to this request.

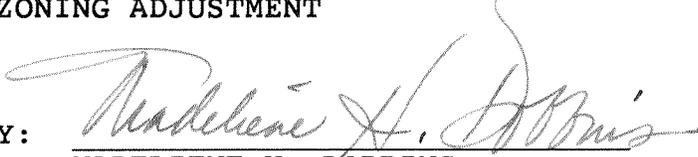
Upon consideration of the motion, response thereto and the procedural posture of the case, the Board notes that the reconsideration motion was addressed and acted upon at the Board's public meeting of February 7, 1996, two weeks prior to the receipt of the request to withdraw. Having already decided that the motion should be denied, the issue of withdrawal is rendered moot. Therefore, the Board concludes that the request to WITHDRAW the RECONSIDERATION MOTION is hereby DISMISSED as being MOOT.

VOTE: 3-0 (Laura M. Richards, Susan Morgan Hinton and Angel F. Clarens to dismiss; Sheila Cross Reid and Maybelle Taylor Bennett not voting, not having heard the case).

DECISION DATE: March 6, 1997

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

APR 4 1997

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

16041app/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPEAL NO. 16041

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on APR 4 1997 a copy of the orders entered on that date in this matter were mailed first class postage prepaid to the appellants, appellees and intervenors who appeared and participated in the public hearing concerning this matter, and who are listed below:

Angela E. Vallot, Esquire  
Arent, Fox, Kintner, Plotkin & Kahn  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5339

Anthony Hood  
1859 Channing St., N.E.  
Washington, D.C. 20018

Kenneth I. Stewart  
1875 Channing Streets, N.E.  
Washington, D.C. 20018

Joseph L. Bowser  
4809 7th Street, N.E.  
Washington, D.C. 20017

Eric L. Lipman, Esquire  
1912 Sunderland Place, N.W.  
Washington, D.C. 20036

Mark G. Griffin  
1912 Sunderland Pl., N.W.  
Washington, D.C. 20036

Mozelle E. Watkins  
3225 Walnut Street, N.E.  
Washington, D.C. 20018

Joseph L. Bowser, Chairperson  
Advisory Neighborhood Commission 5A  
Slowe School Demountable  
14th & Irving Streets, N.E.  
Washington, D.C. 20017

A handwritten signature in cursive script, reading "Madeliene H. Dobbins".

MADELIENE H. DOBBINS  
Director

Date: APR 4 1997